

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES
LITIGATION.

Case No. [18-cv-04865-EMC](#)

**ORDER SCHEDULING STATUS
CONFERENCE RE CLASS NOTICE
STIPULATION**

Docket No. 322

The Court has reviewed the parties' stipulation regarding class notice. Because the Court has some follow-up questions regarding the stipulation, it hereby sets a status conference for **9:00 a.m., May 21, 2021**. The parties should be prepared to address the issues below. It would be helpful for the parties to meet and confer to discuss these issues in advance of the status conference to see if they can reach agreement.

I. MEANS OF NOTICE

Based on the stipulation, it appears that notice to the class will be given in two ways: (1) by mail (Postcard Notice, *see* Ex. B) and (2) by publication, *i.e.*, Wall Street Journal and Investor's Business Daily (Publication Notice, *see* Ex. D). A Long-Form Notice will also be available on a website maintained by the administrator (*see* Ex. C).

Regarding the Postcard Notice, the Notice Plan specifies that there will be traditional mailing only; the Postcard Notice "may be distributed through electronic means only to those members of the Class for whom a mailing address is unavailable or have previously requested communication via electronic means." Not. Plan ¶ 5. Does it make sense to have *both* traditional mailing and electronic mailing, so long as that contact information is available?

In addition, should Publication Notice be supplemented through some form of notice via

social media?

II. EDITS TO POSTCARD NOTICE (EXHIBIT B)

The Court has reviewed the Postcard Notice and proposes edits to that notice as follows.

- “What is this notice?” section.
 - Insert a sentence along the lines of the following at the outset (in bold): “**A class action has been filed, and you may be a member of the class. If you do not wish to be a part of the class, you must respond to this notice with a written request for exclusion (see below). If you are a broker or custodian, please immediately review the full Notice at the website below for instructions on providing timely notification to beneficial owners.**”
- “What are my options?” section.
 - Replace “You can do nothing and automatically be included in the Class or exclude yourself from the Class” with “You can (1) do nothing, in which case you will automatically be included in the class, or (2) exclude yourself from the Class.”
 - Replace “To exclude yourself from the Class, you must submit a written request for exclusion postmarked no later than _____, 2021, in accordance with the instructions set forth in the full Notice” with “To exclude yourself from the Class, you must submit a written request for exclusion postmarked no later than _____, 2021, in accordance with the instructions set forth in the full Notice (see below).”
- “Where can I find additional information” section.
 - Replace “For the full Notice and more information about the Action, including how to exclude yourself, go to [website] or by calling ____-____-____” with “For the full Notice and more information about the Action, including how to exclude yourself, go to [website] or call ____-____-____.”
 - Replace “If you are a broker or custodian, please immediately review the

full Notice at the website below for instructions on providing timely notification to beneficial owners” with “If you are a broker or custodian, please immediately review the full Notice at the website above for instructions on providing timely notification to beneficial owners.”

III. EDITS TO LONG-FORM NOTICE (EXHIBIT C)

The Court has reviewed the Long-Form Notice and proposes edits to that notice as follows.

- Page 1. Add the following sentence after the very first sentence: **“YOU MAY BE A MEMBER OF THE CLASS. IF YOU DO NOT WISH TO BE A PART OF THE CLASS, YOU MUST RESPOND TO THIS NOTICE WITH A WRITTEN REQUEST FOR EXCLUSION (SEE BELOW). IF YOU ARE A BROKER OR CUSTODIAN, PLEASE IMMEDIATELY REVIEW THIS NOTICE FOR INSTRUCTIONS ON PROVIDING TIMELY NOTIFICATION TO BENEFICIAL OWNERS.”**
- Page 1: Add the following sentence to the end of the paragraph starting “The purpose of this Notice”: “If you do not wish to be a part of the class, you must respond to this notice with a written request for exclusion by ____ (see below).”


IV. EDITS TO PUBLICATION NOTICE (EXHIBIT D)

The Court has reviewed the Publication Notice and proposes edits to that notice as follows.

- Add the following sentence after the very first sentence: **“YOU MAY BE A MEMBER OF THE CLASS. IF YOU DO NOT WISH TO BE A PART OF THE CLASS, YOU MUST RESPOND TO THIS NOTICE WITH A WRITTEN REQUEST FOR EXCLUSION (SEE BELOW).”**

IT IS SO ORDERED.

Dated: May 7, 2021


EDWALE M. CHEN
United States District Judge